

**BOARD OF PSYCHOLOGY**

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BOARD MEETING MINUTES

**Hilton Los Angeles Airport Hotel
5711 West Century Boulevard
Los Angeles, CA 90045-5631**

Friday, May 5, 2006

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 9:21 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President
William Thomas, Ph.D., Vice-President
Howard Adelman, Ph.D.
Ellen Graff, Ph.D.
Linda Lindholm
James McGhee
Sharon O'Connor, Ph.D.
William Lew Tan

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kris Rose, Licensing/Registration Program Coordinator

9:00 A.M. Closed Session – Disciplinary Decisions Deliberation

Dr. Horn reported that there were no disciplinary decisions before the Board, therefore, there will be no closed session meeting.

9:21 A.M. – Open Session Committee Meetings

The Credentials Committee and Consumer Education Committee met to discuss and formulate recommendations to the Board.

1:37 P.M. – Open Session Committee Meetings

The Examination Committee, Legislation Committee, and Personnel and Board Relations Committee met to discuss and formulate recommendations to the Board.

3:00 P.M. – Open Session Committee Meetings

The Enforcement Committee and Continuing Education Committee met to discuss and formulate recommendations to the Board.

Saturday, May 6, 2006

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 8:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President
William Thomas, Ph.D., Vice-President
Howard Adelman, Ph.D.
Ellen Graff, Ph.D.
Linda Lindholm
James McGhee
Sharon O'Connor, Ph.D.
William Lew Tan

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kris Rose, Licensing/Registration Program Coordinator

Agenda Item #1 – Approval of Open Session Minutes

It was M(O'Connor)/S(McGhee)/C to approve the February 3-4, 2006, open session minutes.

Agenda Item #2 – Approval of Open Session Minutes

It was M(Thomas)/S(Graff)/C to approve the February 24, 2006, open session minutes.

Agenda Item #3 – President's Report – Dr. Horn

a) New Executive Officer

Dr. Horn reported that Robert Kahane was appointed as the new Executive Officer. The Board is pleased to have him as the Executive Officer after a long and extensive search.

b) 2006/2007 Strategic Plan

Dr. Horn indicated that the 2006/2007 Strategic Plan needs to be adopted by the Board. Each committee reported on the recommended changes to be made to the individual sections of the plan.

It was M(Tan)/S(Lindholm)/C to adopt the 2006/2007 Strategic Plan as amended subject to legal review and review of amendments by the Board at the August board meeting.

c) SB 1361 Information

Dr. Horn reported that there was a bill introduced by Senator Vincent to amend section 2914 of the Business and Professions Code to include “an earned doctorate degree in a field deemed by the board to be equivalent to a program in psychology.” The bill was further amended to change the language to include “interdisciplinary or specialized area of psychology.” The Board opposed this bill, and Mr. Kahane sent a letter to Senator Vincent’s office, a copy of which was provided to Board members in their meeting packets. The bill was also opposed by the California Psychological Association. This bill has been taken off calendar. Ms. Lindholm requested that, in the future, all Board members be sent a copy of any letters sent to the Legislature from the Board.

d) Other President’s Informational Items

Dr. Horn reported that Dr. O’Connor has been appointed to the Continuing Education Committee. She further reported that Ms. Lindholm is no longer on the Examination Committee, but has been appointed to the Consumer Education Committee.

Dr. Horn presented Mr. Thomas with a gift from the Board in appreciation of his serving as the Interim Executive Officer during the transition between Executive Officers.

Agenda Item #4 – Executive Officer’s Report – Mr. Kahane

a) Staff Update

Mr. Kahane reported that Francisca Gonzales has been hired as a Student Assistant for the board and is currently assisting with filing tasks for past licensing records and archives.

b) California Psychological Association Convention

Mr. Kahane told the Board that he, Jeff Thomas, Victoria Thornton and Denise Russell attended the CPA Convention and manned the BOP booth. Board staff handed out laws and regulations and consumer brochures, answered questions and demonstrated some on-line processes. BOP staff was well received and CPA members were glad we attended.

c) Emergency/Disaster Response Box

Mr. Kahane also discussed the status of the Emergency Preparedness Box noting the outdated contents and need for more current support materials. He also discussed some future changes, including laptops and updated backup CD’s (with information from the Medical Board), for access to the most recent Board information in the event of an emergency or disaster.

d) 2007 Calendar

Mr. Kahane presented the Board with a draft of the 2007 calendar.

e) Other Executive Officer’s Informational Items

Mr. Kahane noted the addition of the UCLA Mental Health and Crisis link on the BOP website.

Mr. Kahane reported that, prior to May 31, 2006, he and Mr. Thomas will be going to an initial meeting with the Internet Team to discuss restructuring and re-doing the Board’s website within DCA guidelines.

Mr. Kahane reported that he and Mr. Thomas will be attending the DCA Senior Summit at the Sacramento Convention Center on May 12.

Mr. Kahane commended the senior staff coordinators, Kathy Bradbury, Kris Rose, and Victoria Thornton, for their exceptional work and contributions during the Executive Officer's initial transition phase. He also thanked Mr. Thomas, the Assistant Executive Officer, for his help, knowledge and outstanding work during this time.

Mr. Kahane discussed pending reevaluation and update of the business continuity plan.

Mr. Kahane also presented to the Board the possibility of "In-House" publishing of the BOP update, using current publishing technology, for more control in design and frequency of the final BOP newsletter.

Mr. Kahane stated as upcoming plans, representing the BOP and DCA with a vendor booth at the Black Expo in Oakland.

Mr. Kahane reported he will visit major local health care providers and work with those facilities and organizations to provide our materials to needed segments of the population currently underserved with Internet accessibility.

Mr. Kahane noted certain BOP staff will be attending training classes to enhance analytic skills, provide better customer service, and improve general job skills as part of continued excellence training.

Mr. Kahane noted the final 2006 Laws and Regulations are still in process and should be published shortly.

Agenda Item #5 – Vertical Prosecution Process

Dr. Horn reported that Dave Thornton, Executive Director of the Medical Board of California, who was scheduled to make a presentation to the Board regarding the vertical prosecution process, was unable to attend due to a family tragedy.

Agenda Item #6 – Regulations Update

a) Examination Name Change from CJPEE to CPSE – Adoption of Amendments to Title 16, California Code of Regulations sections 1388, 1388.6, 1389, 1392

Ms. Bradbury reported that the final rulemaking file for sections 1388, 1388.6, 1389 and 1392 is at the Office of Administrative Law and will be approved and operative no later than May 12, 2006.

b) "Independent" Learning – Adoption of Amendments to Title 16, California Code of Regulations sections 1397.60, 1397.62

Ms. Bradbury reported that the regulatory file to amend sections 1397.60 and 1397.62 will be submitted to the Department of Consumer Affairs soon.

c) Continuing Education (Laws and Ethics) – Adoption of Amendments to Title 16, California Code of Regulations section 1397.61(b)

Ms. Bradbury reported that the regulatory file to amend section 1397.61(b) will be submitted to the Department of Consumer Affairs soon.

d) Public Comment

None.

Agenda Item #7 – Regulation Hearings

a) Title 16, California Code of Regulations Section 1388.6 – Waiver of Exam for Applicants Certified by the American Board of Professional Psychology

Dr. Horn conducted the regulation hearing on the Waiver of Exam for Applicants (sections 1388.6 and 1381.5) who are certified by the American Board of Professional Psychology (ABPP).

William Amberg, representing ABPP, stated that he was here to answer any questions the Board may have on this proposal.

It was M(Adelman)/S(Tan)/C to adopt the proposed regulation as noticed and to delegate the authority to staff to make any non-substantive changes.

b) Title 16, California Code of Regulations Sections 1387 and 1390.3 - Supervised Professional Experience and Registered Psychologists

Dr. Horn conducted the regulation hearing on Supervised Professional Experience and Registered Psychologists sections 1387 and 1390.3.

Allison Parelman, Ph.D. suggested the language be modified to make some technical corrections to the proposed wording of section 1387(a)(2)(A). Ms. Parelman stated that the California Psychology Internship Council (CAPIC) does not accredit post-doc internships, therefore, the proposed language will be modified and a 15-Day Notice of Modified Change will be issued. If the board does not receive any written comments, the board will move forward with the regulatory process. If the board does receive written comments, the modified language will go before the board at the August board meeting.

It was M(Tan)/S(Adelman)/C to issue a 15-day notice of modified language and to delegate the authority to the Executive Officer to adopt the regulation if there are no negative comments received during the 15-day comment period.

c) Title 16, California Code of Regulations Section 1397.12 – Disciplinary Guidelines

Dr. Horn conducted the regulation hearing on Disciplinary Guidelines (Section 1397.12). No public comment was received.

It was M(McGhee)/S(Tan)/C to adopt the proposed regulation as noticed and to delegate the authority to the Executive Officer to make any non-substantive changes.

Agenda Item #8 – Continuing Education Committee Report – Dr. Adelman

a) Strategic Plan Update

Dr. Adelman stated that the update on the Strategic Plan was provided under the President's report.

b) Continuing Education Project

Dr. Adelman reported that an intense discussion was held the previous day. One of the issues discussed was how current continuing education course evaluations are being used, whether the evaluations are being taken seriously, and whether attendees feel that their feedback is being heard and is making a difference.

Dr. Adelman stated that at the previous Board meeting, the committee was requested to provide examples of various ways licensees can update themselves with respect to laws and ethics in fulfillment of the new laws and ethics requirement. Dr. Adelman presented nine examples and indicated that other ideas will be added as they come up.

c) Public Comment

None.

Agenda Item #9 – Credentials Committee Report – Dr. Graff

a) Strategic Plan Update

Dr. Graff updated the target dates for all three of the strategic objectives outlined in the 2005/2006 Strategic Plan. She stated that due to the constraints of the Board's current online licensing system, we are unable to process name and address changes for current applicants. In addition, we are unable to accept new applications for psychological assistants and registered psychologists until such time that the Department of Consumer Affairs updates the current online system. Therefore, we have now moved the target date to 1/1/07. Dr. Graff also reported that Ms. Rose is currently working on creating desk manuals for the licensing analyst positions. This also has a new target date of 1/1/07.

b) American Psychological Association's New Policy on Supervised Professional Experience (SPE)

Dr. Graff reported that the Credentials Committee will work with the California Psychological Association to formulate action plans and determine how the new APA policy will be integrated into existing regulations. The Credentials Committee will be discussing this topic further at the August meeting.

c) Draft Language to Recommend Amendments to Title 16, California Code of Regulations section 1387.3 (SPE for Trainees Preparing for Practice in Non-Mental Health Services)

Dr. Graff reported that a work group was held in February 2006. Eleven professionals from non-mental health areas of psychology attended the workgroup. Dr. Graff commended Ms. Rose for compiling work group ideas and formulating them into draft regulatory language. Dr. Graff informed the board that amendments have been made to the proposed draft language and will be brought back to the Credentials Committee at the August meeting.

d) D.B. – Request for Appeal of Section 1387(a)

Dr. Graff reported that the Credentials Committee reviewed an appeal from D.B. D.B.'s post doctoral supervised professional experience was denied by board staff since it did not qualify under section 1387(a) of the California Code of Regulations. D. B. appealed the denial since he is a licensed psychologist in New Jersey who has been licensed for over 20 years. The Credentials Committee is recommending approval of D.B.'s appeal, given the nature of his 20 years of experience and practice in New Jersey.

e) G.L. – Request for Appeal of Section 1387(a)(2)

Dr. Graff reported that the Credentials Committee reviewed the request for an appeal from G.L. G.L.'s post doctoral supervised professional experience was denied by board staff since she did not comply with section 1387(a)(2) of the California Code of Regulations. Dr. Graff reported that the Credentials Committee is recommending denial of G.L.'s appeal since G.L. was responsible for being aware of the requirements for obtaining supervised professional experience in California.

f) G.E. – Request for Appeal of Denial of Hours

Dr. Graff reported that the Credentials Committee reviewed the request for an appeal from G.E. G.E. submitted a plan for supervised professional experience in non-mental health after the hours had been accrued. Dr. Graff reported that the Credentials Committee recommends denial of G.E.'s appeal since the plan was not submitted in advance as required in section 1387.3 of the California Code of Regulations.

g) R.W. – Degree and Coursework Evaluation

Dr. Graff reported that the Credentials Committee reviewed an official transcript and supporting documents from the University of Chicago to determine if a doctorate degree in Behavioral Sciences would meet the requirements of section 2914 of the Business and Professions Code. The Credentials Committee gave Ms. Rose the authority to request further information from R.W. to determine whether the degree R.W. obtained meets the requirements pursuant to section 2914 of the Business and Professions Code.

h) Review Plans for Supervised Professional Experience (SPE) in Non-Mental Health Delivery Services

Dr. Graff reported that the Credentials Committee reviewed five non-mental Health plans. Dr. Graff reported that the Credential Committee is recommending approval of three of the plans for accrual of Supervised Professional Experience in non-mental health delivery services as presented to the Board. Dr. Graff reported that the Credentials Committee determined that one of the plans submitted was unnecessary since the duties presented were not considered to be non-mental health services. Dr. Graff reported that the Credentials Committee was unable to make a final decision on the final plan given the information presented. The committee has requested that staff obtain further information to determine if the plan can be approved.

i) License/Registration Applicant Satisfaction Survey

Dr. Graff reported that so far, people in general seem to be satisfied. Mr. Tan recommended including a field on the online survey to allow candidates/applicants to state the reasons for their dissatisfaction. Dr. Adelman would also like board staff to get back to candidates/applicants regarding their concerns when possible.

It was M(Credentials Committee)/C to accept the Credentials Committee's report and recommendations.

j) Public Comment

None.

Agenda Item #10 – Examination Committee Report – Dr. Thomas

a) Strategic Plan Update

Dr. Thomas reported that one of the strategic objectives for 2005/2006 has already been or will be completed by the target date of June 30, 2006. This strategic objective is to provide monthly pass/fail results for the EPPP and the CPSE on the Board's website. Dr. Thomas also reported that one of the strategic objectives would need to be placed on the 2006/2007 Strategic Plan. This objective would allow the Board to provide EPPP results via a secured location on the Board's website. The Board currently does not have this capability.

The Examination Committee also added an additional objective to the 2006/2007 plan. This objective is to update the CPSE with content that is also relevant to psychologists who practice in non-mental health settings.

b) California Psychology Supplemental Exam (CSPE) Update

Dr. Thomas reported that the passing score for the current form of the CPSE is 67 out of 100. Out of the 91 candidates who have taken the exam, 90 passed, and one failed.

Dr. Thomas reported that Linda Hooper from the Office of the Examination Resources sent a memo addressing concerns that non-mental health psychologists believe that their scope of practice is not represented on the current form of the CPSE. The Examination Committee suggests that board staff seek ways to include non-mental subject matter experts for future examination development workshops.

c) Subject Matter Experts – Re: Honorarium and IRS Tax Form 1099

Dr. Thomas reported that the honorarium provided to subject matter experts has been increased from \$125 to \$300 per day of service. Another new benefit for attending a workshop includes reimbursement for meals and incidentals at the state rate for each 24-hour period.

d) Non-Mental Health Applicants – Re: California Psychology Supplemental Exam

Dr. Thomas reported that the Examination Committee recommended that the staff recruit a group of non-mental health psychologists for the purpose including those perspectives in the pool of CPSE items.

e) FY 2006-2007 CPSE Workshop Dates

Dr. Thomas noted that in the workshops he has attended, there has been a lack of diversity among the subject matter experts. He encourages all licensees who are interested in becoming a subject matter expert to contact the Board.

f) Public Comment

None.

It was M(Examination Committee)/C to accept the report of the Examination Committee.

Agenda Item #11 - Enforcement Committee Report – Ms. Lindholm

a) Strategic Plan Update

Ms. Lindholm discussed developing and documenting a mentoring process involving sending out emails to current experienced expert reviewers asking them to submit information on issues and current developments for use by less experienced experts.

Ms. Lindholm reported that staff will be reviewing existing complaint process procedures manuals as well as reviewing information on website to determine what procedures on filing complaints are currently available.

b) Enforcement Statistics

Ms. Lindholm presented the Board with the enforcement statistics. She noted that the statistics are in line with previous years' statistics.

Public Comment

None.

Agenda Item #12 – Legislation Committee Report – Mr. McGhee

a) Strategic Plan Update

Mr. McGhee reported that the committee's strategic goals for FY 2005/2006 are complete.

b) SB 1475 (Figueroa)

Mr. McGhee stated that this bill has been amended and no longer relates to the Board of Psychology.

c) SB 1476 (Figueroa)

Mr. McGhee reported that this bill, as amended, would provide a one-year extension to the Board's statutes through July 1, 2009.

d) AB 2257 (Committee on Business and Profession)

Mr. McGhee deferred to Charles Faltz, Ph.D., California Psychological Association (CPA), to speak to the Board about this bill which is sponsored by CPA. Dr. Faltz indicated that this bill would establish specific time frames for record retention for psychologists in private practice. He stated that there is currently a law that has a seven-year record retention provision, however, it applies only to specific types of clinics. This bill would amend section

2919 of the Business and Professions Code to set the standard for record retention to seven years for all psychologists.

e) AB 1994 (Leslie)

Mr. McGhee deferred to Dr. Faltz to speak to the Board on this bill. Dr. Faltz stated that this bill would amend section 123115 of the Health and Safety Code relating to health records. This bill would exempt a health care provider from liability when he or she does not make a minor's health records available for copying by the minor's adult representative because the provider has determined that access to the patient's records by the representative of a minor would have a detrimental effect on the minor. This bill would close a loophole in current law and preserve the original intent of the underlying law to protect the privacy of a minor's health record by adding the word "copying" to the language.

f) Public Comment

None.

Agenda Item #13 – Consumer Education Committee – Mr. McGhee

a) Strategic Plan Update

Mr. McGhee indicated that this issue was addressed under the President's Report.

b) Draft Language to Adopt Title 16, California Code of Regulations section 1396.5 (Consumer Information)

Mr. McGhee stated that the Consumer Education Committee recommends that the draft language be noticed for hearing.

c) Los Angeles Firefighter's Disaster Response Plan

Mr. McGhee deferred to Dr. O'Connor to speak on this issue. Dr. O'Connor reported that she is in the process of contacting the Los Angeles Fire Department.

d) Website Statistics – Top 25 Consumer Issues

Mr. McGhee deferred to Ms. Lindholm to speak on this issue. Ms. Lindholm presented the board with a report that indicates which pages of the Board's website are accessed most frequently. She indicated that this information will be helpful to staff when redesigning the website in order to provide easier access to those pages that are accessed most often.

e) BOP Update #13 Draft

Mr. McGhee that the BOP Update is still under revision and is being reformatted for publication. He deferred to Mr. Thomas to provide an update of the status of the newsletter. Mr. Thomas informed the Board that staff is in the final stages of getting the BOP Update published. He anticipates that the newsletter will be completed within the next few weeks.

f) Notice to Consumers Translated into Chinese, Korean and Spanish

Mr. McGhee referred the board to the consumer notices and the Consumer Guide to Psychological Services in Chinese, Korean, and Spanish provided in the agenda packets. He deferred to Mr. Kahane to provide additional information. Mr. Kahane indicated that in acute health care facilities, patient rights are provided to patients in a total of seven languages due to the diversity of the population of the State of California. He informed the Board that staff will be pursuing translating this document into three additional languages.

g) *For Your Peace of Mind – A Consumer Guide to Psychological Services Booklet Translated into Chinese, Korean and Spanish*

Mr. Ghee indicated that this brochure was discussed in the previous agenda item.

h) Public Comment

None.

It was M(Consumer Education Committee)/C to accept the committee's recommendation.

Agenda Item #14 – Personnel and Board Relations Committee- Mr. Tan

a) Strategic Plan Update

Mr. Tan indicated that this issue was addressed under the President's Report.

b) Transition Procedure For Executive Officer

Mr. Tan reported that he has spoken with Dr. Horn and Mr. Kahane regarding the transition procedure to meet the needs of staff and goals of the board. The Executive Officer's evaluation will be done in six months and will be on the agenda for the November meeting.

c) New Board Member Packets

Mr. Tan deferred to Mr. Kahane. Mr. Kahane reported that most new Board Member information (policies, rules and regulations, procedures, etc.) and resources will now be contained on a CD/DVD format rather than paper/notebook. Mr. Kahane also stated that hard copies of the Rules and Regulations, the Administrative Procedure Act, and the Board of Psychology Disciplinary Guidelines would be included in the new Board member packets.

d) Public Comment

None.

Mr. Tan requested that the name of the Personnel and Board Relations Committee be changed to Personnel and Board Operations Committee. Dr. Horn stated that the name has been changed.

Agenda Item #15 – Ad Hoc Committee on Disaster Response

Dr. Thomas reported on the Ad Hoc Committee on Disaster Response which is comprised of himself, Dr. Horn and Dr. Linder-Crow. Dr. Adelman spoke about the UCLA disaster response plan as a resource for the committee. Mr. Tan referred the committee to the disaster plan that was developed after the Northridge earthquake. Dr. Thomas also provided Mr. Kahane with several Internet resources to review.

Dr. Thomas recommended disbanding the Ad Hoc Committee on Disaster Response and deferring the responsibilities to staff. After discussion, there was thought to be a need for the continuance of this ad hoc committee.

Agenda Item #16– Election Of Officers

a) Election of President

Dr. Thomas made a presentation to the Board regarding the process of the election of officers. He questioned the board's policy in this regard. Mr. McGhee reminded Dr. Thomas that the board adopted a policy last year that established that the Board shall elect a President and Vice-President annually, and that both offices shall be elected from among the Board's members. It also established that the Vice-President does not automatically become the Board's President.

Mr. Tan nominated Dr. Horn as the Board's President.

Mr. McGhee nominated Dr. Thomas as the Board's President.

After a vote of the Board, Dr. Horn was elected as the Board's President.

b) Election of Vice-President

Dr. O'Connor nominated Mr. McGhee as the Board's Vice-President

After a vote of the Board, Mr. McGhee was elected as the Board's Vice-President.

Agenda Item #17 – Public Comment on Items Not on the Agenda

None.

Agenda Item #18 – Agenda Items for Future Meetings

Presentation regarding Disaster Response

Presentation regarding the Vertical Prosecution Process by Dave Thornton

It was M(Adelman)/C to adjourn.

The open session meeting adjourned at 11:57 a.m.

Jacqueline B. Horn, Ph.D.
President

Date